

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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BRAD KRAUSE,

Plaintiff,

v.

Case No. 10-C-0718

CITY OF WEST ALLIS,  
CITY OF WEST ALLIS  
POLICE DEPARTMENT,  
DAVID MADDEN,  
BRIAN MASON, and  
ANDREW MATTER,

Defendants.

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**DEFENDANTS' RULE 26(f) REPORT**

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Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, and in compliance with Clerk Jon W. Sanfilippo's January 24, 2011 Notice of Rule 16 Conference, Gunta & Reak, S.C., Kevin P. Reak, appearing for Defendants City of West Allis, David Madden, Brian Mason and Andrew Matter, submits this report.

**A. The nature of the case in 1 or 2 sentences.**

The plaintiff claims defendants violated his constitutional rights by arresting him for carrying a handgun while he was in his yard.

**B. Any contemplated motions.**

Upon the completion of discovery, the defendants anticipate filing dispositive motions.

**C. The parties' discovery plan, including the amount of further discovery each party contemplates, the approximate time for completion of discovery, and any disputes regarding discovery.**

The parties will follow Rule 30 with regard to the limitation on the number of depositions and further will adhere to Rule 33 with regard to the limitation on the number of interrogatories.

### **ADDITIONAL SCHEDULING**

1. Plaintiff shall identify experts and provide reports on or before July 29, 2011;
2. Defendants shall identify experts and provide reports on or before September 30, 2011;
3. Rebuttal experts or reports shall be disclosed and submitted on or before October 17, 2011;
4. Discovery shall be completed by November 30, 2011;
5. Dispositive motions shall be filed on or before January 13, 2012; and
6. The parties will be ready for a pre-trial conference by May 15, 2012.

**D. Whether the parties anticipate the disclosure or discovery of electronically stored information.**

The defendants propose that electronically stored information be produced on paper. Audio or visual recordings may be produced on dvd or vhs media. For good cause shown, the Court may order that particular items of electronically stored information be produced in their native format as used in the usual course of business.

**E. Whether the parties have reached an agreement for asserting post-production claims of privilege or of protection as trial-preparation material, and whether the parties request the judge to enter an order including the agreement.**

Not applicable.

**F. Whether settlement discussions have occurred.**

The parties have not discussed settlement.

**G. The basis for the Court's subject matter jurisdiction.**

28 U.S.C. §§ 1331 and 1343.

**H. Such other matters as may affect further scheduling of the case for final disposition.**

None known at this time.

Additional information requested:

**1. A brief description of the nature of the case, including a statement regarding the basis of subject matter jurisdiction.**

Plaintiff, Brad H. Krause ("Krause") was arrested for disorderly conduct after his neighbor called police because Krause was carrying a handgun.

The Defendants deny liability.

**2. Whether the parties contemplate amending the pleadings by joining parties or for other reasons.**

At this time, the defendants do not anticipate amending their pleadings or joining other parties.

**3. Any motions which are contemplated at this time.**

The defendants anticipate filing a motion for summary judgment after the completion of discovery.

**4. The estimated length of trial and whether a jury is requested.**

A jury demand has been submitted. The defendants estimate a trial of three (3) days and request a jury.

**5. Such other matters as may affect the scheduling of this case for final disposition.**

The defendants are not aware of other matters at this time.

Dated at Milwaukee, Wisconsin, this 11<sup>th</sup> day of February, 2011.

GUNTA & REAK, S.C.  
Attorneys for Defendants

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